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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,163	06/02/2006	Danny A. Grant	IMMR-0152B (034701-512)	3281
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EXAMINER NAM, HYUN				
ART UNIT 2184		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,163

Applicant(s)

GRANT ET AL.

Examiner

Hyun Nam

Art Unit

2184

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,10,12,13,26 and 28-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,10,12,13,26 and 28-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date 6/17/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112 2nd

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3-5, 10, 12, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Use of the term 'associated with' in claims 1 and 10 fails to particularly point out and distinctly claim the subject matter because the meets and bounds of the claim(s) are unclear when it is uncertain how the claimed elements are associated with each other (i.e. associated by color, shape, frequency, form, format, letter, similarity, distinctions, same differences, etc.).

Applicant is required to review the claim and correct all language which does not comply with 35 U.S.C. § 112, second paragraph.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-5, 10, 12, 13, 26, and 28-31 are rejected under 35 U.S.C. 102(e) as being anticipated by the Kaaresoja et al. (U.S. Publication Number 2002/0177471) hereinafter Kaaresoja '471.

Referring to claim 1, Kaaresoja '471 teaches, as claimed, a method, comprising:

generating an output signal (see Fig. 1, a signal from Keypad 108 to Controller 106) associated with an actuation of one or more of a plurality of user-interface members (a key of keys on keypad, see Fig. 1, Keypad 108 and Paragraph 17, Line 6; Note, when user press the key to select a menu item, a mobile phone receives an input signal associated with actuation) on a first handheld communication device (mobile phone, see Paragraph 17, Line 2);

assigning a haptic code (a tactile icon, see Paragraph 17, Lines 6-7, and Fig. 2; Note, type of haptic codes shown in Figure 2 is assigned to a tactile icon) associated with the actuation (see Fig. 1, data path labeled, 'instruction on how to interpret a tactile sensation pattern');

including the haptic code in the output signal (message, see Paragraph 24, Line 11); and

sending the output signal to a remote handheld communication device (mobile phone, see Paragraph 17, Line 2; Note, one) remote from the first handheld communication device (see Paragraph 24, Lines 9-11; Note, tactile icons composed from one device is sent to another remote device), wherein the second handheld communication device is configured to output a haptic effect corresponding to the haptic code, wherein the haptic effect provides a user of the second handheld communication device with a distinct identity of the first handheld communication device (see Paragraph 24, Lines 9-11; Note, a message of ringing tone or business card distinctly identifies a caller and caller's handheld communication device).

As to claim 3, Kaaresoja '471 teaches, the method of claim 1 wherein sending further includes in the output signal at least one of a message (voice message, see Fig. 1,

Loudspeaker 114), a video image (an animation, see Paragraph 18, Line 4), and a graphical feature (pictures, see Paragraph 18, Line 3).

As to claim 4, Kaaresoja '471 teaches, the method of claim 1 wherein the haptic code is associated with a predetermined scheme (see Fig. 1, stored vibration pattern 140e; Note, predetermined vibrations patterns are stored in the memory for later determination of tactile sensation to be sent or received).

As to claim 5, Kaaresoja '471 teaches, the method of claim 1 wherein receiving further includes defining the one of the user-interface members (see Paragraph 17, Line 6; Note, a menu item is defined to the key in the keypad) include at least one of a key, a button, a key pad (see Fig. 1, Keypad 108), a direction pad, a touch screen, a scroll wheel, a mini-joystick, a trackball, and a knob (Note, the Keypad 108 is one of the user-interface member listed above).

As to claims 10, 12, and 13, they are directed to a computer-readable medium on which is encoded program code to implement the methods as set forth in claims 1, 3, and 4 respectively. Therefore, they are rejected on the same basis as set forth hereinabove.

Referring to claim 26, Kaaresoja '471 teaches, as claimed, a handheld communication device, comprising:

a body (see Fig. 1, a Block Diagram of a mobile phone) having an antenna (see Fig. 1, Antenna 102) configured to receive a signal from a transmitting handheld communication device (see Fig. 1, Transceiver 104), the signal including a haptic code therein (see Fig. 1, tactile sensation pattern);

a user-interface member (see Fig. 1, Keypad 101) coupled to the body;

a processor (see Fig. 1, Controller 106) in data communication with the user-interface member;

an actuator (see Fig. 1, Vibration motor 100) coupled to user-interface member and in data communication with the processor (see Fig. 1, data path labeled 'control signal'), wherein the actuator is configured to output a haptic effect corresponding to the haptic code, wherein the haptic effect itself specifically identifies a source of the transmitting handheld communication device (see Paragraph 24, Lines 9-11; Note, a message of ringing tone or business card distinctly identifies a caller and caller's handheld communication device).

As to claim 28, Kaaresoja '471 teaches, the device of claim 26 is one of a cellular phone (see Fig. 1, a Block Diagram of a Mobile Phone), a satellite phone, a cordless phone, a personal digital assistant, a pager, a two-way radio, a portable computer, a game

console controller, a personal gaming device, and an MP3 player (Note, the mobile phone is one of the device listed above).

As to claim 29, Kaaresoja '471 teaches, the device of claim 26 wherein the plurality of user-interface members includes at least one of a key (a key on keypad, see Fig. 1, Keypad 108), a button, a key pad (see Fig. 1, Keypad 108), a direction pad, a touch screen, a scroll wheel, a mini-joystick, a trackball, and a knob (Note, the Keypad 108 is one of the user-interface member listed above).

As to claims 30, Kaaresoja '471 teaches, the apparatus of claim 26 wherein the memory further stores program code (see Fig. 1, Vibration pattern interpreter 140a) for extracting a haptic stimuli (see Fig. 2, Vibration patterns) from the input signal.

As to claim 31, Kaaresoja '471 teaches, the apparatus of claim 26 further comprising a display device (see Fig. 1, Display 110) in communication with the processor (see Fig. 1, Controller 106), the memory (see Fig. 1, Memory 140) further storing program code for causing the display device to produce an image of the identified source (pictures, see Paragraph 18, Line 3).

Response to Arguments

Applicant's arguments filed 06/17/2008 have been fully considered but they are not deemed to be persuasive.

Applicant argues, with regard to "associated or associating," these terms are generally accepted to be definite. In addition, in light of the specification and common sense, one skilled in the art would realize that the signal is associated with the actuation of one or more user-interface members.

Examiner disagrees with applicant. Although the phrase has been construed by Examiner to mean 'a signal caused by an actuation,' the term 'associate with' can be read (since it is not defined in the specification) in many different ways. For example, a signal could be associated with an actuation by similar or same differences. The two interpretations of the claim have contradicting scopes; and are therefore, indefinite.

Applicant argues, in contrast to the claimed subject matter, there is no teaching or suggestion in Kaaresoja that the haptic code is used to output a haptic effect which corresponds to and distinctly or specifically identifies the transmitter of the signal. In other words, Kaaresoja does not teach or suggest that a tactile icon sent from an originator actually informs the receiver of the tactile icon as to the identity of the originator.

Examiner disagrees with applicant. Ability to send smart message much the same way as ringing tones and business cards is way to distinctly or specifically identifies the transmitter of the signal.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hyun Nam whose telephone number is (571) 270-1725. The examiner can normally be reached on Monday through Friday 8:30 AM to 5:00 PM EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Henry Tsai can be reached on (571) 272-4176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Henry W.H. Tsai/
Supervisory Patent Examiner, Art Unit 2184**